

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

MAX & ERMA'S RESTAURANT, INC.

Debtor.

Case No. 09-27807-MBM

Chapter 11

Docket No.

Related to Docket No. 762 and 834

**REPORT OF SALE**

**TO: ALL CREDITORS AND PARTIES IN INTEREST**

Pursuant to Paragraph 7 of the Order Approving Joint Motion for Entry of an Order (I) Approving Bidding Procedures for Sale of Substantially All of the Debtor's Assets; (II) Scheduling a Hearing to Consider the Sale and Approving the Manner of Notices; (III) Approving Certain Bid Protections; and (IV) Establishing Procedures for the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases (Docket No. 834) (the "Bid Procedures Order"), you are hereby notified that the following party was the successful bidder at the auction held on August 16, 2010:

**Fidelity Newport Holdings, LLC, a Delaware Limited Liability Company**

Submitted by:

/s/ Robert O Lampl

Robert O Lampl

PA I.D. #19809

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